



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/610,477 Confirmation No. 9353  
Applicant : Georg Kormann  
Filed : 30 June 2003  
Art Unit : 2863  
Examiner: : Aditya S. Bhat  
Docket (atty ref.) No. : 09159-US  
Title : SYSTEM FOR DOCUMENTING THE OPERATION OF  
AN ATTACHED IMPLEMENT

Moline, IL 61265

7 March 2006

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

**APPEAL BRIEF**

**Real Party in Interest**

The real party in interest is Deere & Company to which all rights in this application was assigned by applicants per an assignment document executed by the inventors on 21 August 2003 and recorded by the USPTO at Reel/Frame: 014608/0735 on 12 October 2003.

**Related Appeals and Interferences**

There are no related appeals or interferences.

**Status of Claims**

Claims 1 - 16 are currently pending in the above-identified application.  
Claims 1 - 16 stand rejected.

This appeal is from the rejection of claims 1 - 16. A copy of the pending claims is set forth in the attached Claims Appendix.

### **Status of Amendments**

All amendments have been entered in their entirety and have been considered in the Final Rejection, dated 8 December 2005.

### **Summary of Claimed Subject Matter**

The subject matter claimed in the present application relates to a system for documenting the operation of an attached implement for a self-propelled working machine. An operating parameter detection arrangement is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory. The memory receives the operating parameter signal and stores the operating parameter signal.

### **Grounds of Rejection to be Reviewed on Appeal**

The first ground of rejection to be reviewed on appeal is that claims 1 - 4 and 8 - 16 are unpatentable, based on 35 U.S.C. 102(e) as being anticipated by Beck (US 2002/0091476).

The second ground of rejection to be reviewed on appeal is that claims 5 -7 are unpatentable, based upon 35 USC 103(a), over Beck in view of Schick et al. (US 2002/0059075).

### **Argument**

**Ground 1: *Claims 1 - 4 and 8 - 16 are unpatentable, based on 35 U.S.C. 102(e) as being anticipated by Beck (US 2002/0091476).***

Claims 1 - 4 and 8 - 16 stand rejected under 35 U.S.C. 102(e) as being

anticipated by Beck. As currently presented, the claims are thought to clearly define subject matter which is patentable over Beck.

More particularly, independent claims 1 and 12 define the invention as a system that both documents operating parameters and uses the documented operating parameter to control the implement and/or the working machine. The idea is thus to control the implement based upon its history. This combination is not known in the prior art and has e.g. the advantage that a header that has already been used for a long time, or a header which has not been serviced, is driven with a lower forward speed in order to keep the throughput within certain limits in order to avoid that the header is damaged during operation.

Beck teaches to measure acoustic vibrations produced by the machine, see paragraph 006 and 0021. Acoustic vibrations or sounds are not operating parameters of the machine, since different sounds can be produced at the same operating parameter (e.g. dependent on whether crop is in the machine or not) and similar sounds can be produced at different operating parameters. Therefore Beck does not teach or suggest detecting an operating parameter of an implement and controlling the machine and implement based upon the stored operating history of the implement and therefore Beck does not anticipate claim 1 or 12.

Claims 2-4 and 8-11 and 13-16 each depend either directly or indirectly from claim 1 or 12 and are likewise thought allowable over Beck.

Claim 10 is thought allowable for the additional reason that Beck does not disclose or suggest a memory arranged on the attached implement wherein the detected operating parameters of the implement are stored. While the Examiner asserts that Beck discloses this at page 1, paragraph 6 (see Final Action, Page 3). It is respectfully submitted that nowhere in paragraph 6, or for that matter in the entire disclosure of Beck, is it mentioned to have a memory arranged on the implement. Paragraph 6 of Beck says that the sensors may be arranged at various locations on the machine but location of the memory is not discussed.

**Ground 2: Claims 5 -7 are unpatentable, based upon 35 USC 103(a), over Beck**

*in view of Schick et al. (US 2002/0059075).*

The Examiner has also rejected claims 5-7 under 35 USC 103(a) as being unpatentable over Beck in view of Schick et al. (US 2002/0059075), hereinafter Schick. It is respectfully submitted that claims 5-7 distinguish over the Schick reference. While Schick discloses that some operating parameters are detected, it does not teach to use them for controlling a machine. The combination of Beck and Schick, does not suggest using the features of claims 5 to 7 for controlling a machine. The Examiner has not given a motivation as to why the combination would be useful. The reason given by the examiner on the bottom of page 5 (Final Action) is to optimize the cargo at or near the vehicle's maximum capacity. However it is submitted that this motivation is only relevant for justifying a collection of data, but does nothing to motivate a control of the machine based upon this collected data. There simply is nothing in the prior art to suggest the collection of the parameters of claims 5-7 and using these collected parameters to control the operation of the machine.

Accordingly, it is respectfully requested that the Examiner's rejection of the claims be reversed.

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Respectfully,



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## **Claims Appendix**

1. A system for documenting and controlling the operation of an attached implement for a working machine, comprising an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory, the memory receives the operating parameter signal and stores an operation documentation information derived from or corresponding to the operating parameter signal in memory wherein the system is operable to control at least one of the implement and the working machine dependent on the stored operation and documentation information.
2. The system as defined by claim 1 further comprising a display for displaying the operating parameter signal from the memory.
3. The system as defined by claim 2 wherein the display interacts with an on-board computer of the working machine.
4. The system as defined by claim 3 wherein additional information about the attached implement is stored in the memory.
5. The system as defined by claim 3 wherein the operating parameter signal contains information about how long the attached implement was operated.
6. The system as defined by claim 3 wherein the operating parameter signal contains information about where the attached implement was operated.
7. The system as defined by claim 3 wherein the operating parameter signal contains information about how much load the attached implement encountered.
8. The system as defined by claim 3 wherein the memory contains a non-volatile memory.

9. The system as defined by claim 3 wherein the operating parameter detection arrangement and the memory are supplied electric current from a storage battery.
10. The system as defined by claim 3 wherein the memory is arranged on the attached implement.
11. The system as defined by claim 10 wherein at least part of the operating parameter detection arrangement is arranged on the working machine and the parameter detection arrangement is connected to the memory.
12. An attached implement for a self-propelled working machine is provided with a system for documenting and controlling the operation of the attached implement, the system comprising an operating parameter detection arrangement that is arranged to detect an operating parameter of the attached implement and to transmit an operating parameter signal to a memory, the memory receives the operating parameter signal and stores an operation documentation information from or corresponding to the operating parameter signal in memory, the memory being attached to the attached implement wherein the system is operable to control at least one of the implement and the working machine dependent on the stored operation documentation information.
13. The attached implement as defined by claim 12 further comprising a display for displaying the operating parameter signal from the memory, the display being attached to the self-propelled working machine.
14. The attached implement as defined by claim 13 wherein the display interacts with an on-board computer of the working machine.
15. The attached implement as defined by claim 14 wherein additional information about the attached implement is stored in the memory.

16. The attached implement as defined by claim 15 wherein the working implement comprises a harvesting assembly.

## **Evidence Appendix**

None

**Related Proceedings Appendix**

None